

Claims 1-7, 9 and 20 are pending in this application and stand rejected under 35 U.S.C. §102 in view of Hamm et al. and/or Zacca. Applicants have canceled claims 2-6, 9 and 20 and thus claims 1 and 7 remain pending in this application. Additionally, claim 1 has been amended to more particularly claim the subject matter of one embodiment of the present invention; namely, that depicted generally in Figs. 1A-D, which is a retrieval basket. Claim 7 has been rewritten in independent form and amended to more particularly claim an alternative embodiment of the present invention; namely, that shown in Figs. 6A and B, which is an internal gripper. Thus, claims 1 and 7 now pending present patentable subject matter in that they are particularly directed to retrieval baskets and grippers, respectively.

A review of the Hamm et al. and Zacca references makes it clear that those devices, while generally similar structurally, are simply angioplasty-type devices used to dilate the artery of a patient. Neither of those references discloses, teaches, suggests or even hints at the use of a slotted memory metal tube in the configuration of a retrieval basket or an internal gripper for purposes of removing particles from within a patient and/or for gripping something within the patient. In addition to the lack of teaching or suggestion with regard to a gripping and/or retrieving device, such as is now claimed by the applicants herein, it is respectfully submitted that neither the Hamm et al. nor the Zacca device is capable of functioning in the manner of the devices of the present invention, as claimed. Thus, it is submitted that the rejections under §102 are moot in view of the amendments herein and should be withdrawn.



In view of the foregoing, applicants respectfully request a favorable indication of allowability of the pending claims (1 and 7).

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By

Gregory F. Ahrens
Reg. No. 32,957

2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324

RECEIVED
JAN 24 2001
TC 3700 MAIL ROOM